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In *Carpenter v. Ins. Co.*, 16 Pet. 495, it was held that in order to invoke the doctrine of estoppel, the agent must endorse on the back of the policy the concurrent insurance according to the terms. This decision has never, to our knowledge been overruled. It goes on the principle that strict compliance with the words of the policy are necessary. In the light of more recent decisions and now resting on more substantial grounds, the opinion of the court seems good. *Insurance Co. v. Norwood*, 69 Fed. 71, 16 C. C. A., 136.

REMOVAL OF CAUSES—PROCEEDING FOR PROBATE OF WILL—*WAHL v. FRANZ*, 100 Fed. 680.—*Held*, a proceeding for the probate of a will is not a "suit of a civic nature at law or in equity," so as to be cognizable in the first instance by the Circuit Court of the United States or removable thereto from a State court.

The real question here is, has the United States Court concurrent jurisdiction with State courts in an appealed contest as to validity of a will involving the value of \$20,000. and the parties to which are citizens of different states. *Gaines v. Fuentes*, 920 U. S. 10, seems to say that the Federal Court has such jurisdiction, while the decision in *re Frazer*, Fed. Cas. W. 5,068 would seem to hold contra. The point is not as yet fully and satisfactorily decided.

STATUTES—CONSTRUCTION—*EAU CLAIRE NAT. BANK VS. BENSON*, 82 N. W. REP. 604 (WISC.).—Where a certain statute, rather ambiguous in meaning, was judicially construed by the Court of final resort shortly after its passage, *Held*, an inquiry, subsequently, as to whether this construction was right or wrong, could not be made.

The Court takes the position that when a statute is judicially interpreted shortly after its passage, that such interpretation should be equally noticed by the people of the State as the statute itself, hence, this interpretation whether correct or otherwise becomes part of the law and can not be inquired into, or corrected. *State v. Ryan*, 74 N. W. 544. The present case seems to go very far in the direction of giving importance to such decisions; the general rule being that they are strong evidence of the legislature's intention, while in the case under discussion such evidence is considered conclusive proof of this intention. Potter's Dwarrris on Stat., 47-51.

STRIKE—INJUNCTION—COMBINATIONS OF WORKMEN—PICKETING—EQUITY JURISDICTION—*CUMBERLAND GLASS MFG. CO. v. GLASS BOTTLE BLOWERS' ASSN. ET AL.* 46 ATL. 208.—Evidence tended to show that strikers had resorted to picketing, had from time to time forcibly interfered with persons seeking to be employed in their places, and had also occasionally attacked the property of plaintiff. *Held*, that in such a case a court of chancery has jurisdiction to enjoin a continuing trespass or injury to property, though such trespass or injury may also involve a crime.

The court simply ignored the crime involved: "Picketing" has usually been held unlawful. *Beck v. Prot. Union*, 77 M. W. 13; *Am. Steel and Wire Co. v. Wire Unions, etc.*, 90 Fed. 608; *Lyons v. Wilkins*, Eng. let. of App. 1899; *Contra, Winslow Bros. Co. v. Building Trade Council*, Case and Comment, Aug., 1898. "The decision of the question must depend upon the circumstances surrounding each case." A permanent guard in front of citizens' houses or factories is in itself a nuisance. The interference with prospective employees by the strikers warranted an injunction as "each man is bound to observe the right of the employee and employer to seek employment or to employ undeterred by coercive influences."

TAX ON REFRIGERATOR CARS—INTER-STATE COMMERCE—PRESUMPTION IN FAVOR OF ASSESSMENT—*UNION REFRIGERATOR CO. v. LYNCH*, 20 Supt. Ct. Rep. 631—Plaintiff was a Kentucky corporation, doing a business of furnishing refrigerator cars. It had no offices in Utah, and whenever its cars happened to be there, they were in transit or merely to stop or load. Utah laid a tax upon

the average number of cars. *Held*, the state had this right, *Amer. Rep. Co. v. Hall*, 174 U. S. 70 ; and as the complaint did not charge that more than the average number of cars had been taxed, it will be presumed that assessment was regular.

WAR REVENUE TAX—EXPRESS COMPANIES, 20 Supt. Ct. Rep. 695. *Held*, under the war revenue tax of 1898, making it the duty of every express Company to issue a bill of lading, with a one cent stamp duly attached and cancelled, the Express Company could raise its charges to meet the tax and thus shift the burden upon the shipper. The court grounds its decision on the fact that there is nothing in the act that leads to the inference that it is unlawful to shift the tax; in fact being an indirect tax, it leads to a contrary inference. The reasonableness of the increased charge was not before the court, and the right of the Company to shift the burden was decisive of the question.

But Harlan and McKenna, J. J., in dissenting, held that the act made it the duty of the Company to provide and issue at his own expense, the bills with stamps attached and cancelled, but that whether the Company could then raise its charges to shift the burden presented no Federal question.

WILLS—COURTESY—DEVISE TO HUSBAND—ELECTION—HUSBAND'S ADMINISTRATION—LEGACIES—KERRIGAN ET AL. V. CONNELLY, 46 Atl. 227.—Testatrix devised a life estate in common to her husband and children in a portion of her realty, subject to payment of legacies out of rents. Husband, who received no other bequest, on failure of her executors, administered her estate and received all said rents. *Held*, that his action showed no election to take under the will in lieu of his more valuable right of tenancy by the curtesy.

The land, at his death, was held subject to the payment of the legacies, although he had received a sufficient amount in rents to satisfy them, as he did not receive said rents as administrator *c. t. a.* The burden of showing election rests on the party asserting it. *Worthington v. Wigonton*, 20 Beav. 67, 74. The mere acceptance of an appointment as an executor will not in general be deemed a waiver of curtesy. *Tyler v. Wheeler*, 160 Mass. 206, 35, N. E. R. 666.